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REMARKS

In the Office Action, claims 1, 4, 8, 9, 12-16, 18-27, 29, 31 and 33-34 were rejected under 35 U.S.C. 102(b) as being anticipated by Garcia (U.S. Patent No. 5,361,306). Claims 2, 3, 5 and 6 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia. In support of these rejections, the office action states, at least in part, that:

Garcia shows an apparatus for enhancing the quality of an input audio signal comprising an audio source (col. 3, lines 38-39), a passive circuit (54, 109) which distorts the input signal, when transmitted therethrough, into an enhanced audio signal by distorting audible frequency components of the input audio signal such that the audible frequency component increase in amplitude as they increase in frequency from a first intermediate frequency up to a high frequency (col. 4, lines 17-25).

The claimed passive circuit reads on elements 54 and 109 of Garcia. This passive circuit comprises only passive elements (see Fig. 3) and it will provide enhanced audio signal. Therefore, Garcia shows the claimed limitation.

Garcia discloses electrically driving an electronic audio signal through an electromagnetic field inducing coil to generate a field signal correlated to the original electronic audio signal. The field signal is then weakly or loosely coupled to a field receptor member which converts the field signal into an enhanced, but weak, electronic audio signal which may then be amplified, if necessary, for reproduction on conventional audio reproducing equipment such as speakers and the like. Garcia discloses using an amplifier for driving the audio signal. If the audio signal is not driven, then the weak or loose coupling would prevent the field from being generated or at least prevent the generated field from being strong enough to be sufficiently received by the field receptor to allow an enhanced audio signal to be generated.

The present claims expressly recite apparatus and methods that distort the input audio signal into an enhanced audio signal. Even if elements 54 and 109 are deemed to be passive circuits, neither of circuits 54 and 109, by themselves, can produce an enhanced audio signal from an input audio signal. Therefore, because every element recited in the pending claims cannot be found in element 54 or 109 and the present rejection is based solely on these elements 54 and 109, the Office Action has failed to present a prima facie case of anticipation or obviousness. Accordingly, it is submitted that the above rejection should be withdrawn and all of the pending claims allowed.

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Allowable Subject Matter

Applicant acknowledges and appreciates the finding, in the Office Action, that claims 7, 10, 11, 17, 28, 30, 32 and 45-47 would be allowable, if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants decline to make such an amendment, however, because of the above remarks regarding Garcia.

Conclusion

In view of the above remarks, the Applicants submit that all of the pending claims 1-47 patentably distinguish over the prior art. Accordingly, an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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